

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VERIZON GLOBAL SERVICES, Inc.,

Plaintiff,

-v-

TELSTAR INTERNATIONAL,

Defendant.

Case No. 04-CV-1795 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Plaintiff filed its Complaint in 2004. (Dkt. No. 1.) The case remained before Judge McMahon through 2007, when it was held in suspense due to Defendant's pending bankruptcy proceeding. (Dkt. No. 24.) The case was then reassigned to this Court. (Dkt. No. 26.) The Court has attempted to contact the Parties to determine whether Plaintiff still intends to prosecute the Action, to no avail. Indeed, despite the Court's efforts, no one—either Party or counsel—has informed the Court of Defendant's bankruptcy status or whether Plaintiff intends to proceed with this Action. And on July 10, 2013, the Court entered an order, directing Plaintiff to show cause why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. No. 27.) Plaintiff has not responded to the Court's Order To Show Cause. Accordingly, the Court hereby dismisses this case for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (explaining that district courts have the inherent power to dismiss for failure to prosecute (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962))); *see also U.S. ex rel. Drake v. Norden Sys., Inc.*, 375 F.3d 248, 250–51 (2d Cir. 2004) (explaining that dismissal for failure to prosecute is subject to the discretion of district courts); *cf. Smith v. Bank*

of N.Y., Nos. 05-CV-8474, 07-CV-8546, 2008 WL 1883998, at \*4 (S.D.N.Y. Apr. 29, 2008) (dismissing case for failure to prosecute after the court received no communication from the plaintiffs for nearly two months); *Lopez v. Catholic Charities of the Archdiocese of N.Y.*, No. 00-CV-1247, 2001 WL 50896, at \*4 (S.D.N.Y. Jan. 22, 2001) (dismissing for failure to prosecute where plaintiff “ceased to prosecute . . . case at all” for three months). The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: August 19, 2013  
White Plains, New York



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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE